Note: The Office of Aging has left me without any care whatsoever after confirmation of my stroke, and would levae me hanging to pick up the pieces without family, friends, or government help whatsoever on the date of May 28th, 2025 and continuing thereafter.

So I reached out to NMPASI for help, thinking that I would at least be able to reach out to them, but they would deny me in favor of the "buddy-system" to protect the integrity AGAINST my efforts and in support of my discrimination as previously shown, and would currently read:

Notice of Case Denial and Closure Letter
Inbox

Preston Saralu Jul 29, 2025, 10:35 PM

to me, jcabrera, etilipao

Good afternoon Mr. Wasil,

I hope this email finds you well.

On behalf of the Northern Marianas Protection & Advocacy Systems, Inc. (NMPASI), please find attached a denial and closure letter regarding your recent request for assistance. This letter provides detailed information about our decision.

Additionally, we have included a copy of our Grievance Procedure, which outlines the steps you may take if you wish to appeal NMPASI's decision to close your case.

If you have any questions or need further assistance, please don't hesitate to contact us at (670) 235-7273.

Thank you, and have a great day ahead.

Kind regards,

Preston L. Saralu

Program Aide
Northern Marianas Protection and Advocacy Systems, Inc. (NMPASI)
Marianas Business Plaza, 5th Floor, Suite #505
P.O. Box 503529 Saipan MP, 96950
Tel: (670) 235-7273/74

Fax: (670) 235-7275
Email: psaralu@nmpasi.org

...

[Message clipped] View entire message

2 Attachments • Scanned by Gmail

James Wasil <james.wasil@gmail.com> Jul 30, 2025, 12:13 AM (13 days ago)

to **gborja**, **cnening**, Preston, jcabrera, etilipao

Dear Ms. Nening,

I am writing to formally appeal the decision to close my case (PA-25-142), which was communicated in your July 2025 letter of denial.

I strongly disagree with your conclusion that I am ineligible for home-delivered services due to age, and that no disability discrimination occurred. This decision omits key facts and applicable legal protections under both federal and CNMI law.

Background of Eligibility and Service:

- I was **approved** for the Home-Delivered Meals Program by the CNMI Office on Aging on **February 11, 2025**, based on my **documented disability** and partial homebound status.
- I received services for **approximately four months** without incident.
- Services were then **suddenly terminated** after a site visit and follow-up inquiry, with **no new eligibility review** and no evidence of change in my condition or status.
- During this time, I was discouraged from applying for housing by an Office on Aging representative who labeled me a “foreigner” and misrepresented Section 8 availability.

Legal Protections and Oversight Obligations:

- The **Older Americans Act** explicitly includes disability-based eligibility under its **Title III-C Nutrition Services** for those under age 60 who are disabled and homebound.
- The **ADA** and **Section 504 of the Rehabilitation Act** prohibit public agencies receiving federal funds from denying services based on disability.
- Denying access to services I was previously approved for—**without due process or new eligibility review**—constitutes both **discrimination** and **retaliation**.

Your decision to dismiss these facts, and your failure to reference or apply applicable disability rights statutes, represents a serious abdication of NMPASI's mission and oversight responsibilities.

I request an immediate reconsideration of my case, a formal investigation into the CNMI Office on Aging's handling of my services, and a written response addressing the legal basis of your original decision.

Sincerely,
James Wasil

Email: james.wasil@gmail.com / Tel: 670-588-3249 & 330-942-2498

cnening nmpasi.org Jul 30, 2025, 10:38 PM (13 days ago)

to me, Preston, jcabrera, etilipao, gborja

Subject: Response to Appeal Regarding Case PA 25-142
Home-Delivered Meal Services

Dear Mr. Wasil,
Thank you for your letter appealing the decision to close your case (PA-25-142) and for outlining your concerns regarding eligibility for home-delivered meal services.
After reviewing your appeal and re-examining the circumstances surrounding your case, we respectfully uphold our original determination to close your file. Please allow us to clarify the reasoning behind this decision and the applicable legal guidelines that inform our assessment.

Eligibility Determination

Under **Section XV of Chapter 5 of the Older Americans Act (OAA) (see attachment)**, Home-Delivered Meal Nutrition Services are **targeted to individuals who are:**

- **60 years of age or older**, and
- **Homebound** or physically, mentally, or medically unable to attend a congregate nutrition program.

In addition to the above, the Act provides for a few exceptions. Specifically, it allows services to:

- The **spouse of an eligible homebound individual**, regardless of age;
- Individuals with **disabilities who reside with and are dependent upon an eligible older person** for care;
- Persons at **nutritional risk** with physical, emotional, or behavioral conditions that make congregate site service inappropriate.

Based on our investigation:

- You do **not meet the minimum age requirement** of 60 years and,
- You are **not considered homebound**, as defined under the OAA and the guidelines used by the Office on Aging.

While we acknowledge your disability status, this alone does not automatically qualify an individual under the above criteria unless accompanied by the additional qualifying conditions—such as living with and depending on an eligible older adult for care, or meeting the nutritional risk provisions in context with congregate site limitations.

Disability Discrimination Allegation
With regard to your concern that the denial constitutes disability discrimination, we find **no evidence that the denial was based on your disability status**. Rather, it was determined based on the eligibility requirements under federal law for the specific program in question.
Please note that denial of services **based on program criteria**—such as age and homebound status—does not equate to discrimination if those criteria are applied uniformly and without bias.

Next Steps
While we recognize this outcome may be disappointing, our decision is based strictly on the eligibility criteria outlined in the Older Americans Act. If you believe that your situation aligns with one of the exceptions listed in the law or if new information becomes available that could affect your eligibility, you are welcome to submit that for further review.

If you are seeking other supports or services related to your disability, we can assist in exploring those options with you. Please feel free to contact our office if you would like help navigating additional resources or have questions about other programs for which you may qualify.

Should you have any additional questions or concerns, please do not hesitate to reach out.
Sincerely,

Cleo Nening
Programs Coordinator
Northern Marianas Protection & Advocacy Systems, Inc. (NMPASI)

From: James Wasil <james.wasil@gmail.com>
Sent: Wednesday, July 30, 2025 2:13 PM
To: Preston Saralu <psaralu@nmpasi.org>
Cc: jcabrera nmpasi <jcabrera@nmpasi.org>; etilipao nmpasi.org <etilipao@nmpasi.org>; gborja nmpasi.org <gborja@nmpasi.org>; cnening nmpasi.org <cnening@nmpasi.org>
Subject: Re: Notice of Case Denial and Closure Letter

One attachment • Scanned by Gmail

James Wasil <james.wasil@gmail.com> Jul 31, 2025, 12:09 AM (12 days ago)

to cnening, Preston, jcabrera, etilipao, gborja

Dear Ms. Nening,

Thank you for your response dated 07/31/2025 regarding my appeal of the decision to close my file under PA-25-142. After reviewing your justification and the attached OAA eligibility guidance, I respectfully dispute the conclusion reached by your office and submit the following rebuttal for your consideration and record.

Misinterpretation of the Older Americans Act (OAA):

Your response states that I do not qualify due to not meeting the minimum age of 60, and for allegedly not being "homebound." However, your own attachment (Section XV, Chapter 5 of the OAA Handbook) clearly outlines **multiple eligibility exceptions** that apply to my situation but were not evaluated in your decision.

Most critically, the section reads:

> "*Individuals at nutritional risk who have physical, emotional, or behavioral conditions that would make their service at a congregate nutrition site inappropriate; and persons at nutritional risk who are socially or otherwise isolated and unable to attend a congregate nutrition site.*"

This directly applies to me:

- I am a **disabled individual with a medically documented stroke**, resulting in **partial paralysis, limited mobility, aphasia**, and **neurological impairments**.
- I live in a **remote, rural area** on Saipan with **no access to reliable transportation**, no caregivers, and no family.
- I am unable to attend congregate nutrition services **safely or consistently**.
- I meet the **nutritional risk** and **social isolation** criteria outlined above.

By selectively applying only the base-age and homebound definitions — and **ignoring this valid exception** — your decision constitutes a **misapplication of federal eligibility policy** and results in **improper denial of essential services**.

Concerning Disability Discrimination:

Your letter states:

> "*We find no evidence that the denial was based on your disability status.*"

However, denying me services **while ignoring a clearly defined federal exception for disabled, isolated individuals** demonstrates **systemic disregard for disability-based access** and reflects **discriminatory application of the OAA exceptions**. It is especially troubling that your office, tasked with protection and advocacy for persons with disabilities, refuses to acknowledge this.

Requested Action:

1. **Reopen Case PA-25-142** and evaluate eligibility based on the full set of OAA exceptions, particularly:
    - Nutritional risk
    - Physical condition
    - Social isolation
    - Inability to attend congregate programs

2. If you continue to deny eligibility, please provide:
    - A formal explanation detailing why the above exception does *not* apply to my case.
    - The specific criteria you used to determine I do *not* meet nutritional risk or isolation provisions.
3. Provide information on how to request external review or file a formal complaint under the Americans with Disabilities Act and the Rehabilitation Act if this matter is not resolved equitably.

I appreciate your prompt attention to this matter and request written response within 14 days. If I do not receive acknowledgment or corrective action, I will pursue formal review with the U.S. Department of Health and Human Services Office for Civil Rights and other appropriate agencies.

Sincerely,
James Wasi

gborja nmpasi.org Jul 31, 2025, 1:19 AM (12 days ago)

to me, cnening, Preston, jcabrera, etilipao

Good afternoon Mr. Wasil,

I am in receipt of your appeal to our supervisor, Cleo Nening's, response to your initial grievance filing in regard to the denial of your request for services with the Northern Marianas Protection & Advocacy Systems, Inc.

As per our grievance procedure and as the Executive Director, I will review the decision made and your reason for appeal.

Furthermore, I will provide you with a written response on or before August 11, 2025.

Thank you for your time.

Respectfully,

Gregory Borja

Executive Director

Northern Marianas Protection & Advocacy Systems, Inc.

(670) 235-7273

www.nmpasi.org

g

gborja nmpasi.org Aug 11, 2025, 5:55 PM (1 day ago)

to me, cnening, Preston, jcabrera, etilipao

Good afternoon Mr. Wasil,

Please find attached my written response to your appeal.

Thank you for your time,

One attachment • Scanned by Gmail

James Wasil <james.wasil@gmail.com> Aug 11, 2025, 7:43 PM (1 day ago)

to **aclcomplaints**, **aoacomplaints**, **civilrights**, **Info**, gborja, cnening, Preston, jcabrera, etilipao

Re: Intent to File Federal Complaint – Unlawful Termination of Disability-Based Nutrition Services ; CC addendum to Federal Regulatory Authorities.

Dear Mr. Borja**,**

I am formally responding to your decision denying my continued access to home-delivered meals and related services.

After reviewing your reasoning, I must point out that your determination is not supported by federal or CNMI law, and in fact constitutes unlawful discrimination under the following points:

1. **Violation of the Older Americans Act (OAA) – Age & Disability Protections**
    - The OAA (42 U.S.C. § 3001 et seq.) prohibits discrimination in services funded under the Act based on **age, disability, or other protected status**.
    - I meet the qualifying criteria under OAA-funded Nutrition Services:
        - Over age 40 (age discrimination protections apply).
        - Documented disability and mobility impairment (hemiparesis, aphasia, limited ambulation).
        - Previously approved for and receiving services — without any lawful change in eligibility standards.
2. **Americans with Disabilities Act (ADA) Title II**
    - As a public entity receiving federal funds, your office must ensure equal access to programs and services for individuals with disabilities.
    - Abruptly removing an established accommodation **without an individualized reassessment or interactive process** is a direct violation.

3. **Retaliation and Bad Faith**
    - The sudden termination occurred one day after a home visit and my inquiry about housing rights and conversation about Medicaid.
    - Multiple conflicting statements have been made by Office of Aging staff regarding my eligibility, Section 8 housing, and service closures — all of which indicate potential retaliatory motive.
4. **Due Process Failure**
    - I was not given proper written notice **with specific legal justification and citation of controlling regulations**.
    - I was not offered an appeal process prior to termination — both are required under federal funding rules.
5. **OAA Nutrition Services Specific Requirement**
    - 45 CFR § 1321.11 requires programs to prioritize home-delivered meals for older adults with the greatest social and economic need, **including those with disabilities**.
    - Disability-based denial after months of service provision is a reversal of policy that cannot be applied selectively.

Demand for Immediate Action:

I am requesting:

- Immediate reinstatement of home-delivered meals pending lawful review.
- Written explanation citing exact legal authority for any change in eligibility.
- A clear outline of the appeal process as required under OAA and ADA.

Failure to comply will result in my escalating this matter to:

- U.S. Administration for Community Living (ACL)
- U.S. Department of Health and Human Services Office for Civil Rights (HHS OCR)
- International Disability Rights Advocates and other legal US entities

This communication is part of my formal record. Please respond within **5 business days**. I have additionally attached the appendix to cite the federal laws pertaining to this.

Thank you.

Sincerely,
James Wasil

Appendix – Legal References

1. Older Americans Act (OAA) – 42 U.S.C. § 3001 et seq.

- **42 U.S.C. § 3027(a)(5)(E)** – Requires state and territorial plans to assure services are provided without discrimination on the basis of age, handicap, or other protected category.
- **42 U.S.C. § 3030g-21 & § 3030g-23** – Nutrition services must be targeted to older individuals with greatest economic and social need, **including those with disabilities**.

2. ADA Title II – 42 U.S.C. §§ 12131–12134

- Public entities must not exclude qualified individuals with disabilities from participation in, or deny them the benefits of, services, programs, or activities.
- **28 C.F.R. § 35.130(b)(7)** – Requires reasonable modification of policies to avoid disability discrimination.

3. Rehabilitation Act of 1973 – Section 504 (29 U.S.C. § 794)

- Prohibits discrimination under any program or activity receiving federal financial assistance solely on the basis of disability.

4. 45 C.F.R. § 1321.11 – State Agency Responsibilities

- Requires prioritization of home-delivered meals to older adults with the greatest social and economic need, **with particular attention to low-income older individuals and those with disabilities**.

5. Procedural Rights & Due Process

- **45 C.F.R. § 1321.61** – Participants must be informed of and provided an opportunity to appeal adverse decisions regarding services.
- **Lack of Notice** – Terminating services without written notice, specific legal citation, and opportunity to appeal violates both OAA regulations and ADA Title II due process requirements.

Mail Delivery System Aug 11, 2025, 7:44 PM (1 day ago)

to me

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to me

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gborja nmpasi.org Aug 11, 2025, 8:41 PM (1 day ago)

to **cnening**, **Preston**, **jcabrera**, **etilipao**, **aclcomplaints@acl.hhs.gov**, **aoacomplaints@acl.hhs.gov**, **civilrights@usdoj.gov**, **Info**, me

Good morning Mr. Wasil,

I am in receipt of your email.

I will forward a copy of the grievance documents, including emails and letters, to our board of directors for their review. They will either call a special meeting to address this grievance or discuss it during their next scheduled meeting prior to making a final decision.

Thank you for your time.

Gregory Borja